

<p>Ou, Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address  <b>BILAL A. ESSAYLI</b>          United States Attorney  <b>DAVID M. HARRIS</b>          Assistant United States Attorney          Chief, Civil Division  <b>JOLENE TANNER</b>          Assistant United States Attorney          Chief, Tax Section  <b>ANDREW T. PRIBE</b> (Cal. Bar No. 254904)          Assistant United States Attorney          Room 7211, Federal Building          300 North Los Angeles Street          Los Angeles, California 90012          Telephone: (213) 894-6551          Facsimile: (213) 894-0115          E-mail: andrew.t.pribe@usdoj.gov</p> <p><input type="checkbox"/> <i>Party appearing without an attorney</i>  <input checked="" type="checkbox"/> <i>Attorney for Party: U.S. Dept. of Education</i></p>	<p>FOR COURT USE ONLY</p>
<p><b>UNITED STATES BANKRUPTCY COURT</b>  <b>CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</b></p>	
<p>In re: <b>DAVID ALLEN MCMILLON</b></p> <p style="text-align: right;">Debtor(s)</p>  <p><b>DAVID ALLEN MCMILLON</b></p> <p style="text-align: right;">Plaintiff(s)</p> <p>v.</p> <p><b>UNITED STATES DEPT. OF EDUCATION</b></p> <p style="text-align: right;">Defendant(s)</p>	<p>CASE NO.: 8:24-bk-12498-TA          CHAPTER: 7          ADV. PROC.NO: 8:25-ap-01003-TA</p>  <p style="text-align: center;"><b>STIPULATION TO EXTEND DATES          AND DEADLINES PURSUANT TO THIS          COURT'S STUDENT LOAN AP GUIDELINES</b></p>  <p style="text-align: center;">No hearing</p>

1. The debtor/plaintiff commenced this adversary proceeding by filing a complaint on January 10, 2025 in which Plaintiff seeks a declaratory judgment that student loans owed to the United States Department of Education are dischargeable under 11 U.S.C. § 523(a)(8).
2. On November 17, 2022, the United States Department of Justice ("DOJ"), in coordination with DOE, promulgated guidance with respect to proceedings brought pursuant to 11 U.S.C. § 523(a)(8) (the "DOJ Guidance").
3. In order to accommodate the DOJ Guidance and the processes contemplated thereby, the parties stipulate and agree as follows, pursuant to this Court's Student Loan AP Guidelines:
  - a. The DOJ Guidance currently applies to this adversary proceeding; and
  - b. This action constitutes one in which this court may enter final orders and judgment, and the parties consent to this court's exercise of jurisdiction and entry of final orders or judgment.

4. The United States Department of Education filed its answer on March 3, 2025.
5. The status conference set for 4/24/2025, is continued 119 days to 8/21/2025 at 10 a.m. or such date as the Court deems appropriate.
6. The parties shall calculate the deadlines set forth in Civil Rules **26(a)(1)(C)** (exchange initial disclosures), **26(f)(1)** (conduct discovery conference), **and 26(f)(2)** (file discovery plan), which apply in this proceeding pursuant to Bankruptcy Rule 7026, from the date of the continued status conference.<sup>1</sup>
7. The need to afford the parties time to comply with the Guidance constitutes good cause for delaying the issuance of a scheduling order beyond the deadline set forth in Civil Rule 16(b)(2), which applies in this proceeding pursuant to Bankruptcy Rule 7016.
8. The parties respectfully request that the foregoing stipulation be approved and made an order of this court.

**IT IS SO STIPULATED.**

Date: \_\_\_\_\_

[signature on next page]

Signature of Plaintiff or attorney for Plaintiff

David Allen McMillion

Printed name of Plaintiff or attorney for Plaintiff

Date: April 7, 2025

/s/ Andrew T. Pribe

Signature of Attorney for DOE

Assistant U.S. Attorney

Counsel for U.S. Department of Education

Andrew T. Pribe

Printed name of attorney for DOE

Assistant U.S. Attorney

Counsel for U.S. Department of Education

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<sup>1</sup> "Civil Rule" refers to one of the Federal Rules of Civil Procedure, and "Bankruptcy Rule" refers to one of the Federal Rules of Bankruptcy Procedure.

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8. The parties respectfully request that the foregoing stipulation be approved and made an order of this court.

**IT IS SO STIPULATED.**

Date: April 2, 2025

  
\_\_\_\_\_  
Signature of Plaintiff or attorney for Plaintiff

David Allen McMillion  
Printed name of Plaintiff or attorney for Plaintiff

Date: April 1, 2025

\_\_\_\_\_  
Signature of Attorney for DOE  
Assistant U.S. Attorney  
Counsel for U.S. Department of Education

Andrew T. Pribe  
Printed name of attorney for DOE  
Assistant U.S. Attorney  
Counsel for U.S. Department of Education

<sup>1</sup> "Civil Rule" refers to one of the Federal Rules of Civil Procedure, and "Bankruptcy Rule" refers to one of the Federal Rules of Bankruptcy Procedure.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

300 N. Los Angeles St., #7211  
Los Angeles, CA 90012

A true and correct copy of the foregoing document entitled: **STIPULATION TO EXTEND DATES AND DEADLINES PURSUANT TO THIS COURT'S STUDENT LOAN GUIDELINES** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 04/07/2025, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Karen S Naylor (TR) alane@ringstadlaw.com, knaylor@IQ7technology.com;ecf.alert+Naylor@titlexi.com  
Andrew T Pribe andrew.t.pribe@usdoj.gov, caseview.ecf@usdoj.gov;usacac.tax@usdoj.gov  
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) 04/07/2025, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

David Allen McMillon  
3857 Birch St #235  
Newport Beach, CA 92660

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

04/07/2025

Barbara Le

/s/ Barbara Le

Date

Printed Name

Signature

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This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.